United States Department of Labor Employees' Compensation Appeals Board

M.M., Appellant	-))
)
and) Docket No. 22-0178) Issued: November 29, 2021
U.S. POSTAL SERVICE, DOMINICK V.) issued. November 29, 2021
DANIELS PROCESSING & DISTRIBUTION)
CENTER, Kearny, NJ, Employer)
)
Appearances: James D. Muirhead, Esq., for the appellant ¹	Case Submitted on the Record

ORDER DISMISSING APPEAL

Before:
ALEC J. KOROMILAS, Chief Judge
JANICE B. ASKIN, Judge
PATRICIA H. FITZGERALD, Alternate Judge

On November 8, 2021 appellant, through counsel, filed an appeal from a purported August 18, 2021 decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned Docket No. 22-0178.

The Board has duly considered the matter and notes that the Board has jurisdiction to review final adverse decisions of OWCP issued under the Federal Employees' Compensation Act.² The case record as transmitted to the Board does not contain a final adverse decision of OWCP issued within 180 days from the date of docketing of the current appeal.³ The most recent decision

Office of Solicitor, for the Director

¹ In all cases in which a representative has been authorized in a matter before the Board, no claim for a fee for legal or other service performed on appeal before the Board is valid unless approved by the Board. 20 C.F.R. § 501.9(e). No contract for a stipulated fee or on a contingent fee basis will be approved by the Board. *Id.* An attorney or representative's collection of a fee without the Board's approval may constitute a misdemeanor, subject to fine or imprisonment for up to one year or both. *Id.*; *see also* 18 U.S.C. § 292. Demands for payment of fees to a representative, prior to approval by the Board, may be reported to appropriate authorities for investigation.

² 5 U.S.C. § 8149; 20 C.F.R. § § 501.2(c) and 501.3(a) (2009).

³ 20 C.F.R. § 50l.3(e) provides in pertinent part: "Any notice of appeal must be filed within 180 days from the date of issuance of a decision of the OWCP."

of record is an acceptance decision dated January 12, 2012. While the case record contains correspondence dated August 18, 2021, that letter is purely informational in nature and does not constitute a final adverse decision of OWCP from which appellant may properly appeal.⁴ As there is no final adverse decision over which the Board may properly exercise jurisdiction, the Board concludes that the appeal docketed as No. 22-0178 must be dismissed.

The Board's decisions and orders are "final upon the expiration of 30 days from the date of their issuance." 5

IT IS HEREBY ORDERED THAT the appeal docketed as No. 22-0178 is dismissed.

Issued: November 29, 2021 Washington, DC

Alec J. Koromilas, Chief Judge Employees' Compensation Appeals Board

Janice B. Askin, Judge Employees' Compensation Appeals Board

Patricia H. Fitzgerald, Alternate Judge Employees' Compensation Appeals Board

⁴ See Order Dismissing Appeal, K.S., Docket No. 20-1401 (issued March 17, 2021); Order Dismissing Appeal, S.U., Docket No. 20-0636 (issued December 3, 2020).

⁵ Supra note 3 at § 501.6(d).